

REMARKS

Claim 78 has been amended. Claims 1-19, 40-57, 78, and 80 remain pending in this application.

The Examiner has rejected claim 78 under 35 U.S.C. §101 because the claimed invention is asserted to be directed towards non-statutory subject matter. The Examiner submits that the claim term “computer readable storage medium” is not limited to tangible embodiments since the specification includes the term “carrier wave.” Although it is submitted that a carrier wave is a tangible substance that has characteristics that are physically measurable and detectable, claim 78 has been amended to be directed towards a “computer readable storage medium that is in the form of magnetic media, optical media, or magneto-optical media” to expedite prosecution. The specification on Page 24, Lines 13-17 recites “Examples of machine-readable media include, but are not limited to, magnetic media such as hard disks, floppy disks, and magnetic tape; optical media such as CD-ROM disks; magneto-optical media such as floptical disks; and hardware devices that are specially configured to store and perform program instructions, such as read-only memory devices (ROM) and random access memory (RAM).” (Emphasis added). It is respectfully submitted that claim 78 meets the requirements of 35 U.S.C. §101 since the examples for magnetic media, optical, and magneto-optical media include tangible hardware, such as hard disks, etc.

The Examiner rejected 1-19, 40-57, 78 and 80 under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 6,167, 438 to Yates et al. (referred to herein as “Yates”) in view of Dynamic Load Balancing on Web-Server System (Dynamic). Applicants respectfully traverse these rejections as follows.

Claim 1 is directed towards a “method of facilitating redirection of data sent from a first processing device to a second processing device.” Claim 1 also recites “at a third processing device associated with a plurality of traffic handling systems, receiving traffic information from each of the associated traffic handling systems, wherein the traffic information received from each associated traffic handling system specifies which data based on at least a portion of the data should be redirected to the each associated traffic handling system. Claim 1 further requires “determining how to redirect data received by the third processing device to a selected traffic handling system based on the received traffic information from each of the associated traffic handling systems.” Claim 1 also requires “at the third processing device, receiving data from one or more first processing devices that are destined for one or more second processing devices” and “at the third processing device, redirecting the received data to selected one or more of the traffic handling systems so that the redirected data are apportioned between the traffic

handling systems based on the traffic information from each of the associated traffic handling systems and at least a portion of the received data.” Claim 40, 78, and 80 are directed towards mechanisms for performing the operations of claim 1.

Embodiments of the present invention, may be utilized in a network such as illustrated below:

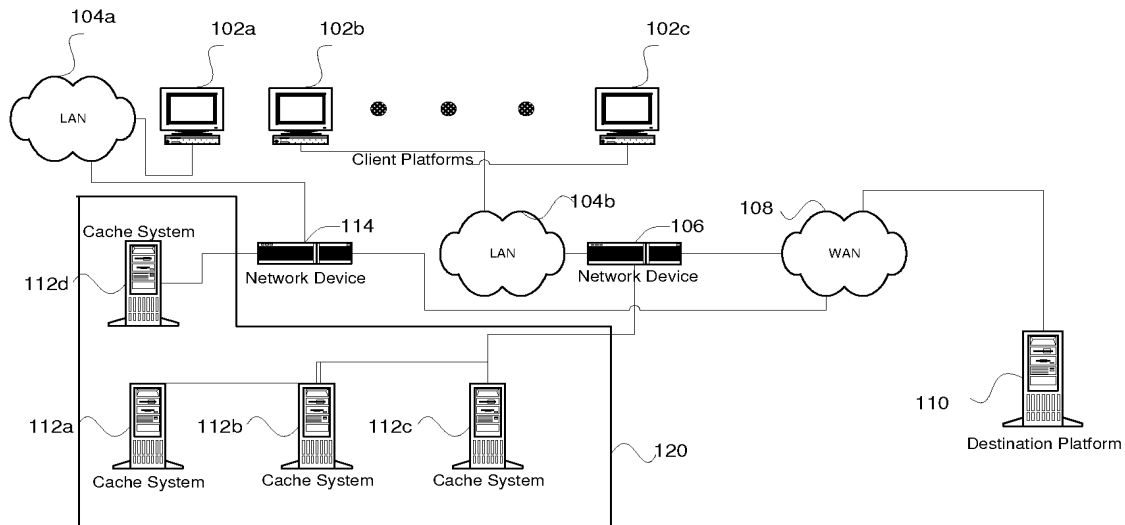


Fig. 1

As shown, a plurality of client machines 102 which are resident on local area networks (LAN) 104a and 104b communicate via router 106/router 114 and wide area network (WAN) 108, e.g., the internet, with server 110. In embodiments of the invention, router 106 is configured to redirect certain traffic towards a selected cache system, such as 112a~112d, which is configured to "spoof" server 110. The router 106 bases this cache system selection on traffic information received from each of its associated cache devices, e.g., 112a~112d. For example, the traffic information may specify that a first set of destination IP addresses are assigned to cache system 112a; a second set of IP addresses to cache system 112b; a third set of IP addresses to cache system 112c; and a fourth set of IP addresses to cache system 112d. Thus, embodiments of the present invention allow a designated traffic handling system to specify how a router redirects data to selected ones of its associated *plurality* of traffic handling systems based on traffic information from each of the plurality of traffic handling systems.

In contrast, the cited reference Yates describes routers that are each configured to redirect data to only a single cache server. See Fig. 1 of Yates. Thus, Yates does not teach operations for a network device to redirect data to a cache system that is selected from among several cache

systems associated with the network device, in the manner claimed. Since the routers of Yates only redirect to a single cache system, none of the routers receive traffic information (for specifying how data is to be redirected) from each of a plurality of cache system or traffic handling systems. In sum, Yates fails to teach or suggest techniques or mechanisms for receiving traffic information (for specifying how data is to be redirected) from each of a plurality of cache systems or traffic handling systems, in the manner claimed. Similarly, Yates also fails to teach or suggest techniques or mechanism for determining how to direct data based on received traffic information (for specifying how data is to be redirected) from each of a plurality of cache systems or traffic handling systems, in the manner claimed.

The Examiner admits that Yates fails to teach “based on the traffic information from each associated traffic handling system and at least a portion of the received data.” The Examiner asserts that the secondary reference Dynamic teaches this limitation. In other words, the Examiner is separating out a conditional limitation (based on received traffic from each associated traffic handling system) from two method steps (determining how to redirect and redirecting data). Therefore, the Office is essentially employing two separate teachings, and applying them to a single conditional act. Applicant respectfully submits that such a piecemeal analysis on a single claimed element cannot be legally permissible and thus unsupportable. The conditional term “based on” provides a strong link between the conditional part and the consecutive part of the claimed element. In other words, such a term explicitly defines a close relationship between the two inseparable portions of a single claimed element. If such a piecemeal rejection were permissible, any inventive electrical circuit would be rejected based on a combination of patents disclosing various electrical parts such as transistor, resistor, capacitors, inductors, etc. Additionally, neither Yates nor Dynamics teaches a step or mechanism for receiving traffic information from each of a plurality of traffic handling systems, in the manner claimed. As such, it is respectfully submitted that the current rejection based on Yates and Dynamic should be withdrawn.

Since the cited art fails to teach or suggest mechanisms for a processing device (*e.g.*, router) to receive traffic information from each of its associated plurality of traffic handling systems and then determine how to redirect and then redirect data to cache systems selected from such associated plurality of traffic handling systems based on such received information, in the manner claimed., it is respectfully submitted that the claims 1, 40, 78, and 80 are patentable over the cited art.

The Examiner’s rejections of the dependent claims are also respectfully traversed. However, to expedite prosecution, all of these claims will not be argued separately. Claims 2-19, and 41-57 each depend directly or indirectly from independent claims 1 or 40 and, therefore, are

respectfully submitted to be patentable over cited art for at least the reasons set forth above with respect to claims 1 and 40. Further, the dependent claims require additional elements that when considered in context of the claimed inventions further patentably distinguish the invention from the cited art.

Applicants believe that all pending claims are allowable and respectfully requests a Notice of Allowance for this application from the Examiner. Should the Examiner believe that a telephone conference would expedite the prosecution of this application, the undersigned can be reached at the telephone number set out below.

Applicants hereby petition for an extension of time which may be required to maintain the pendency of this case, and any required fee for such extension or any further fee required in connection with the filing of this Response is to be charged to Deposit Account No. 50-0388 (Order No. CISCPI46).

Respectfully submitted,
BEYER WEAVER & THOMAS, LLP

/Mary R. Olynick/
Mary R. Olynick
Reg. 42,963

P.O. Box 70250
Oakland, CA 94612-0250
(510) 663-1100